

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	20Cr088 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
GABRIEL DIXON,	:	
Defendant.	:	
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DENISE COTE, District Judge:

On January 31, 2020, the defendant pleaded guilty to a one-count information that charged the defendant with violating 21 U.S.C. §§ 846, 841(b)(1)(B). On April 10, this Court adjourned the defendant's May 1, 2020 sentencing to June 18, in light of the COVID-19 pandemic. On June 2, the June 18 sentencing was adjourned to July 16 because of the ongoing public health crisis.

On June 18, this Court received an unsigned motion in an envelope bearing a post mark of June 13 that purported to be an application to withdraw from a plea agreement with the Government and perhaps as well to withdraw the plea of guilty that the defendant entered on January 31.

At the request of the Court, counsel for the defendant, Hanna Shoshany, Esq., who has been retained by the defendant, filed a status letter with the Court on July 6, explaining that there had been an "irreparable breakdown in the attorney-client

relationship” and requesting to withdraw as counsel. On July 7, the Court stated that defense counsel would not be relieved as counsel until new counsel appears on behalf of the defendant and the Court accepts that new counsel’s appearance. Ms. Shoshany was also asked to inform the Court whether the defendant would retain new counsel or would prefer that the Court appoint new counsel to represent him. On July 9, Ms. Shoshany informed the Court that the defendant would like new counsel to be appointed. Accordingly, it is hereby

ORDERED that a conference is scheduled to occur as a video/teleconference using the CourtCall platform for Tuesday, **July 14, 2020** at **9:00 a.m.** to discuss the conditional appointment of Michael Sporn, Esq., as counsel to the defendant., as well as the defendant’s request to withdraw his guilty plea. Both Ms. Shoshany and Mr. Sporn shall participate in the videoconference. Ms. Shoshany shall be prepared to advise the Court as to whether she believes that a competency hearing is necessary.

As requested, Mr. Sporn will be given an opportunity to speak with the defendant by telephone for fifteen minutes before the proceeding begins (i.e., at **8:45 a.m.**); Mr. Sporn should make sure to answer at that time the telephone number that he previously provided to Chambers.

To optimize the quality of the video feed, the Court, the defendant, and Mr. Sporn will appear by video for the proceeding; all others, including Ms. Shoshany, will participate by telephone. Due to the limited capacity of the CourtCall system, only one counsel may participate for the Government; only Mr. Sporn and Ms. Shoshany may participate for the defendant. Co-counsel, members of the press, and the public may access the audio feed of the conference by calling **855-268-7844** and using access code **32091812#** and PIN **9921299#**.

In advance of the conference, Chambers will email the parties with further information on how to access the conference. Those participating by video will be provided a link to be pasted into their browser. **The link is non-transferrable and can be used by only one person;** further, it should be used **only** at the time of the conference because using it earlier could result in disruptions to other proceedings.

To optimize use of the CourtCall technology, all those participating by video should:

1. Use the most recent version of Firefox, Chrome, or Safari as the web browser. Do **not** use Internet Explorer.
2. Use hard-wired internet or WiFi. If using WiFi, the device should be positioned as close to the Wi-Fi router as possible to ensure a strong signal. (Weak signals may cause delays or dropped feeds.)
3. Minimize the number of others using the same WiFi router during the conference.

Further, all participants must identify themselves every time they speak, spell any proper names for the court reporter, and take care not to interrupt or speak over one another. Finally, all of those accessing the conference – whether in listen-only mode or otherwise – are reminded that recording or rebroadcasting of the proceeding is prohibited by law.


If CourtCall does not work well enough and the Court decides to transition to its teleconference line, counsel should call **888-363-4749** and use access code **4324948#**. (Members of the press and public may call the same number, but will not be permitted to speak during the conference.) In that event, and in accordance with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at https://www.nysd.uscourts.gov/sites/default/files/practice_documents/DC%20Cote%20COVID-19%20Emergency%20Individual%20Practices%20-%20June%2030%2C%202020%20.pdf, counsel should adhere to the following rules and guidelines during the hearing:

1. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.
2. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are *required* to identify themselves every time they speak.

Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.

3. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new participant and confirm that the court reporter has not been dropped from the call.

Dated: New York, New York
July 10, 2020



DENISE COTE
United States District Judge